

*Cost.*  
and dispersion compensation units can be added to the system in a modular fashion to support channels in respective subwindows as needed.

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#### REMARKS

Claims 1-40 remain in the case.

In the above-identified Office Action, the Examiner objected to claims 1, 7, 14, and 28 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as his invention. Accordingly, Applicants have amended claims 1, 14, 27 and 28 to overcome the Examiner's rejection under 35 U.S.C. § 112, second paragraph, so as to more clearly point out Applicants' invention. As will be hereinafter more fully discussed, Applicants have not amended claim 7 and respectfully submit the Examiner erred in his understanding of claim 7 as it relates to Fig. 4, and, at least as described on page 14, line 3, et seq., where the Examiner is erroneously equating 210 - 240 of Fig. 2 with 404 - 407 of Fig. 4. A close reading of the Specification, in particular, page 14, lines 7 - 12 show that the claim language tracks that of the specification.

In the above-identified Office Action, the Examiner rejected independent claims 1 and 14 under 35 U.S.C. § 102(e) as being anticipated by Otsuka, '557. In the rejection of those claims, the Examiner states Otsuka, '557 discloses a system for modular amplification of optical signals and then attempts to describe Otsuka in terms of Applicants' disclosure. Applicants respectfully submit that Otsuka is directed to and teaches a system for scrambling the polarization of signal lights combined in a WDM to suppress non-linear optical effect to improve transmission as shown at least in the Abstract, the background of the invention, the summary, and the detailed description starting at column 7, line 1.

Applicants respectfully submit that the Examiner is mistaken in his characterization that Otsuka, '557 anticipates Applicants' invention in that Applicants' invention is directed to reducing dispersion by allowing dispersion in each subwindow to

be controlled separately while providing modular multiplexing and amplification of optical signals in a set of multiple channels in an operating window. To say that Otsuka anticipates Applicants' invention without using the polarization system taught by Otsuka is to destroy the teaching of Otsuka. Similarly, to attribute the polarization system taught by Otsuka to Applicants' invention is reading something into Applicants' invention that is not warranted.

Accordingly, Applicant respectfully submits that independent claims 1 and 14 as amended, are allowable over Otsuka and the Examiner is respectfully requested to remove the § 102(e) anticipation rejection of independent claims 1 and 14.

The Examiner also rejected independent claims 27, 29, and 35 under 35 U.S.C. § 102(e) as being anticipated by Otsuka, '557. As above discussed, Applicants respectfully submit that to read Applicants' invention as anticipated by Otsuka without the polarization system taught by Otsuka is to teach away from Otsuka and Applicants submit that for the reasons set out above, independent claims 27, 29, and 35 are allowable over Otsuka.

Additionally, Applicants submit that dependent claims 2-13, 15-26, 28, 30-34, and 36-40, depending directly or indirectly from allowable claims 1, 14, 27, 29 and 35, and which merely add additional limitations to allowable claims, are also allowable,

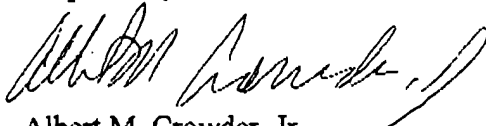
In view of the above, Applicants again respectfully submit that Otsuka does not provide a teaching to anticipate Applicants' claimed invention and that independent claims 1, 14, 27, 29 and 35 are all allowable over the cited reference. As previously stated, Applicants again submit that as dependent claims 2-13, 15-26, 28-34, and 36-40 depend, either directly or indirectly, from allowable independent claims and merely add additional limitations thereto, dependent claims 2-13, 15-26, 28-34, and 36-40 are also allowable.

RIC-96-153

Applicants therefore respectfully request a favorable action on the merits and the Examiner is earnestly solicited to pass the case to issue.

The Examiner is invited to call the undersigned at 719-535-3275 if such a call would facilitate the prosecution of this application.

Respectfully submitted,



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